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C O N F I D E N T I A L SECTION 01 OF 02 DUSHANBE 001628

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E.O. 12958: DECL: 8/31/2016
TAGS: PREL PGOV PHUM EAID KDEM TI
SUBJECT: MERCY CORPS UNDER SCRUTINY FROM TAJIK JUSTICE MINISTRY

CLASSIFIED BY: Tom Hushek, Charge d'Affaires, U.S. Embassy,
Dushanbe, State.

REASON: 1.4 (b), (d)

¶1. (C) SUMMARY: Tajik authorities, reacting to a secret poison pen letter to the Ministry of Justice from disgruntled Mercy Corps local staff, threatened to deport a Mercy Corps expat unless the Embassy intervened to correct the situation. Mercy Corps conducted an internal investigation, and found no evidence of illegal activity or human rights violations, as alleged by the 12 Mercy Corps employees who signed the letter. This situation provides a pretext for the Ministry of Justice to needle a U.S.-funded NGO and demonstrates once again that Tajikistan still has not shed its Soviet practices or mind-set. The Embassy urged the MFA to take actions based on Tajik law, rather than respond to unsubstantiated allegations, and to resist the temptation to use strong arm tactics against NGOs.
END SUMMARY

¶2. (C) Director of the Department of International Organizations Nuriddin Shamsov summoned Charge to his MFA office August 29 for a matter "the Foreign Minister wanted resolved quickly." Shamsov opened the meeting by explaining profusely Tajikistan's appreciation for all the assistance USG-funded NGOs have provided over the past 15 years. "We value and respect their selfless work," he gushed. However, the MoJ received a "collective complaint" against Mercy Corps' Finance Manager Maia Laitadze, a Georgian citizen, and had requested the MFA involve the U.S. Embassy in the matter. The letter to the MoJ signed by 12 Mercy Corps employees alleges Laitadze "humiliated local staff" and "spoke in offensive terms about the Tajik people." Shamsov was quick to emphasize this was an isolated incident which in no way affected U.S.-Tajik bilateral relations. Shamsov hoped the Embassy would encourage Mercy Corps to resolve the situation quickly.

¶3. (C) Charge asked whether any laws had been broken. Shamsov said he could not comment, but offered that it was uncomfortable to know that a "foreigner" was behaving in such a manner. "It has an unwanted effect," he suggested. Charge noted that he was familiar with the case, and suggested both sides needed to act in accordance with Tajik law. However, rather than investigating an alleged violation of laws, the MoJ appears to be using the letter as an excuse to threaten Mercy Corps with a deportation. He noted that when the Embassy receives such "poison pen" letters, we look into the allegations but would never take disciplinary action based on anonymous or uncorroborated complaints, or complaints that purposely circumvent established channels. He also noted that the Embassy insists that U.S.-funded NGOs strictly enforce all accounting rules, and that as a result, NGO financial managers may not always be popular with their local staff. Charge also pointed out that the MoJ's reaction to the complaint against Mercy Corps is not an isolated incident, but appears to be a tendency by some government agencies to put pressure on foreign NGOs. He noted the case of NDI, where multiple expatriate directors had been forced to leave Tajikistan under varying forms of pressure from Tajik authorities.

¶3. (C) Shamsov declined to share the MoJ's letter to the MFA, noting it was an internal document, but did confirm the MoJ had no intention of conducting an investigation of the charges. The responsibility lay with Mercy Corps to resolve the internal situation. He noted the MoJ demanded Mercy Corps sever Laitadze's contract; otherwise, the MoJ "in accordance with its responsibilities" may initiate deportation. Charge reiterated that if no laws were violated, Mercy Corps could not be expected to dismiss an employee for hurting feelings. Shamsov noted he understood our position, and again stressed the case should not

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impact bilateral relations.

¶4. (C) Patricia Kennedy, incoming Mercy Corps director and Brandy Westerman, acting Mercy Corps director briefed Charge and USAID officials August 24 about the case. (NOTE: Mercy Corps received USAID funding for conflict resolution, health and education programs and food aid, and has operated in Tajikistan for more than 10 years. END NOTE.) According to Westerman, the employees wrote directly to the MoJ without informing Mercy Corps management, thus circumventing Mercy Corps' internal grievance policy. Furthermore, the letter of complaint used identical language to a letter sent to the Ministry of Justice in 2005, complaining about a different Mercy Corps expatriate manager. Westerman and Kennedy suggested Laitadze may have tightened financial controls, thus rankling employees who benefited from looser procedures.

¶5. (C) Mercy Corps conducted an internal review August 25, in which they determined while Laitadze used a brusque interpersonal communication style which may have caused some staff to feel uncomfortable approaching her, there were no "illegal actions or violations of rights of staff members." Westerman sent a letter to the MoJ apprising them of the investigation August 28. She reported that although some internal management and training issues would be addressed, Laitadze's case was an internal matter that should not have been brought to the attention of the ministry.

¶6. (C) COMMENT: Regardless of whether Laitadze behaved in an unprofessional manner or violated a law, the response of the Ministry of Justice, and even the MFA, to a single, secret,

uninvestigated complaint is deeply troubling. Their presumption of Laitadze's guilt seems based on hurt national pride, or possible prejudice against Georgians, rather than any facts or evidence. This case sheds light on Tajik attitudes toward NGOs.

Even Shamsov who has worked closely with NGOs for years does not quite understand the "non" in non-governmental organization, and views civil society NGOs such as Mercy Corps entirely as agents of the U.S. Government. MoJ's eagerness to seize on this latest pretext suggests that MoJ is less interested in justice or following Tajikistan's own laws, and keener on putting the screws to a U.S. NGO. This is also not the first case of pressure directed specifically against non-U.S. citizen expatriate staff, which might indicate the authorities think the Embassy will find such NGO staff more expendable. For all the talk of welcoming and appreciating U.S. assistance, our implementing partners in the NGO community don't always experience Tajik hospitality at its finest. END COMMENT.

HUSHEK